IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4049 OF 2005

Paresh Veljibhai Dhanani. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

Shri R.R.Pandey for the Applicant.
Ms.M.M.Deshmukh, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 3rd August, 2005.

P.C.:

1. Heard the learned Counsel appearing for the Applicant and the learned A.P.P. for the State. Offence registered against the Applicant is under section 395, 341, 328, 412, 414 read with section 34 of the Indian Penal Code and sections 3 and 25 of the Arms Act. The learned Counsel for the Applicant submitted that no specific role has been ascribed to the Applicant in the offence and recovery is already made at the instance of the Applicant. He submitted that as the Applicant will be available for trial, he cannot be detained in custody after investigation is over. He has placed reliance on the order dated 17th March 2005 passed by the Sessions Court in favour of co-accused by which the said co-accused Haresh has been ordered to be enlarged on bail.

2. The learned A.P.P. has placed reliance on order dated 11th July 2005 passed by me in Criminal Application No.4135 of 2005 in the case of co-accused

Navneet @ Naval. By the said order the application for bail made by the said co-accused has been rejected.

3. The offence is of very serious nature. The allegation is that the robbery was of the silver items worth Rs.11 lakhs and more. There is some recovery of silver made at the instance of the Applicant. The Applicant has been identified in the test identification parade. The property which is recovered at the instance of the Applicant is stated to have been identified by the complainant. These are factors which show complicity of the Applicant in a crime of very serious nature. No case is made out for grant of bail.

4. Reliance cannot be placed on the order passed by the Sessions Court on 17th March 2005 as the role played by the Accused who was ordered to be enlarged on bail is totally different. It is alleged that the said accused was only a driver of the jeep which was used in the offence.

5. There is no merit in the Application. The Application is rejected.

6. The trial will be concluded as expeditiously as possible.

Judge.